



**TEXAS**  
Health and Human  
Services

Texas Department of State  
Health Services

**TEXAS DEPARTMENT OF STATE HEALTH SERVICES**

**DIVISION FOR REGULATORY SERVICES  
ENVIRONMENTAL AND CONSUMER SAFETY SECTION  
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT  
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP**

**PUBLIC HEALTH SANITATION & CONSUMER PRODUCT SAFETY  
REGULATORY CLARIFICATIONS**

**Date:** February 8, 2010

**EHPSQAC NO. 002**

**SUBJECT: Emergency Telephone Location**

**Applicable Texas Administrative Code: 25 TAC §265.199(j)(3),  
Telephones at post-10/01/99 and pre-10/01/99 pools and spas –**

"The telephone must be located outside of all other pool yards or spa yards if all of the following occur: (A) The entry gates and doors are locked on either side of the gate or door. (B) The enclosure entry gates and doors and the enclosure fences and walls are all higher than 4 feet 4 inches. (C) The pool or spa is operated in conjunction with: (i) lodging such as hotels, motels, apartments, condominiums, or mobile home parks; (ii) a property owners association, private organization, or club; (iii) a school, college, or university while being operated for academic or continuing education classes; or (iv) practice event (excluding competition events in accordance with subparagraph (A) of this paragraph).

**Question:** Our Homeowners Association pool is in a very isolated area of the subdivision. During the off-season, the pool is closed, the location of the emergency phone outside of the enclosure has caused it to be a target of frequent acts of vandalism and prank calls to the local emergency services. According to local law enforcement, the easy accessibility of the emergency phone has also attracted individuals participating in various illegal activities. Can the current requirement for placing the emergency phone outside of the pool enclosure be changed to allow for it to be placed inside the pool enclosure?

**Response:** The requirement for Class C pool/spa facilities to keep an emergency telephone outside of the pool or spa enclosure is waived as long

as the emergency telephone complies with all other applicable requirements for emergency telephones in 25 TAC §265.199(j).

**Support:**

1. A telephone that is intended to be used to immediately summon emergency assistance, but, due to its location, is routinely vandalized and not in-service cannot be used to contact emergency assistance when needed.
2. A telephone that is used for placing prank calls, particularly to emergency services, could cause the local emergency service to be unavailable when needed elsewhere for a legitimate emergency. This could cause real harm, particularly in communities that have limited emergency response resources.
3. A telephone that is used to conduct illegal activities could place persons that are not participating in this activity at risk for harm. In addition law enforcement resources will have to be diverted to monitor the telephone for illegal activity.
4. Installing equipment that is designed to prevent vandalism or that cannot be used for placing calls other than to local emergency services is costly. The special equipment is offered by only a few vendors and the cost of a service contract is prohibitive.
5. Cell phones are in common use by most of the general public and can be used to contact local emergency services very readily.

This Regulatory Clarification preempts any previous clarification/guidance/policy letters on this subject and remains in effect until superceded in writing by the Public Health Sanitation and Consumer Product Safety Group. Attributed use or reproduction of this information is freely granted.

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